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Human rights situation in Palestine and other Occupied Arab territories

Information presented by the Palestinian Independent Commission for Human Rights*.

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Palestinian Independent Commission for Human Rights**, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with "A"-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

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Annex

[English only]

Submission by the Palestinian Independent Commission for Human Rights

Housing

The right to adequate housing is one of the fundamental human rights need that is considered within the system of economic, social and cultural rights. It is considered one of the most important foundations of human life and inherent dignity. This right which is enshrined in international humanitarian law constitutes the right for everyone to live anywhere in dignity, peace and security in a manner that ensures respect for his/her privacy, family and social relations as well as for their surrounding social, political, economic and cultural environment.

Article (11) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) emphasizes the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing. The committee on Economic, Social and Cultural rights issued its general comment number (4) on the right to housing in which it identifies (7) basic elements of adequate housing. These elements constitute the basic guarantees enshrined in international law for individuals to enjoy the right to adequate housing. They include the legal security of tenure; availability of services; materials; facilities and infrastructures; affordability; habitability; location and cultural adequacy.

The right to adequate housing was not included into the priorities of the Palestinian government and its strategic plans to ensure citizens' enjoyment of the right to adequate housing in which basic services and legal protection should be available. It has not adopted a national strategic plan for housing that identifies goals, resources and the means of using these resources and, to allow civilians to participate in the strategic planning of housing. The State of Palestine should fulfill its obligations under the ICESCR to enforce the right to housing and take the necessary steps to promote and protect the civilians' right to housing. It should cooperate and pressure the international community to provide aid in this regard.

On July 2014, the right to housing in the Gaza Strip was subjected to several violations against human rights that affected the right of everyone to live anywhere in peace and security. These violations were committed by the IOF during its 51-day aggression on the Gaza Strip in which it destroyed tens of thousands of homes, forcibly displaced hundreds of thousands of Palestinian civilians and left tens of thousands of them homeless.

Since September 2000, the Palestinians in the Gaza Strip have been living an unprecedented life due to ongoing rounds of aggression and severe violations committed against international human rights laws by the IOF. Since the siege that was imposed in 2007 until August 2014, the Gaza Strip was subjected to three major military offensives that caused destruction to tens of thousands of homes. The Ministry of Public Works and Housing estimated that 245,623 housing units were demolished in the Gaza Strip in 2007; 15,000 housing units since have been erected, including 5,000 housing units as part of the reconstruction process. The data from the Ministry showed that 11,000 housing units were built by the private sector during the period of 2011 and May 2013. It has been estimated that there is now 261,000 housing units in the Gaza Strip.

The last war on the Gaza Strip aggravated human rights violations forcing tens of thousands of Palestinian civilians out of their homes due to intense bombardments. The consequences of forced eviction of civilians from their homes following the last IOF aggression are still in place. These consequences include breaches of the right to housing, coercion and harassment under the General Comment No (7) of the Committee on Economic, Social and Cultural Rights which calls for legal protection against forced eviction, harassment and other threats. Forced evictions are clear contraventions under the ICESCR.

The extensive and deliberate bombardment by the IOF has forced hundreds of thousands of the Palestinians living in the eastern and northern parts of the Gaza Strip to flee their homes and seek refuge in shelters established by UNRWA. UNRWA offered 90 shelters in its schools in different cities around the Gaza Strip due to the rising number of displaced people which reached 520,000 people. The schools sheltered around 293,000 displaced people. Furthermore, Palestinian civilians suffered from the lack of basic needs for survival. Additionally, the IOFs shelling and bombardment targeted some of these UNRWA shelters killing and injuring dozens of refugees. Others were forced to seek refuge at the homes of their relatives and friends. Though the war stopped more than 6 months ago, 30,000 people are still living in UNRWA's shelters where aid is provided for them. Their living conditions are difficult. They neither enjoy privacy nor decent life. Others live in their partially damaged homes or homes rented for them by UNRWA. Some citizens were given caravans to live in under harsh living conditions where no financial aid is provided for them. There is an absence of any hope for the start of the reconstruction process. Israel is imposing strict conditions on entry of construction materials, including cement.

The comprehensive siege which has been imposed on the Gaza Strip almost 8 years now does not allow the entry of construction materials for housing projects nor the reconstruction of the houses that were destroyed during the recent aggression. The situation on the border crossings has not changed despite the drastic consequences of the last aggression. They remain closed except for Karam Abu Salem crossing that operates according to a mechanism that was installed before the last aggression. The only change that was allowed limited the entry of construction materials for the private sector and Qatari projects.

The implementation process of the international mechanism for allowing the entry of construction materials into Gaza (Serry Plan) is rather slow. The materials are distributed by paid coupons given to affected persons to get cement for maintenance use only. Unless this mechanism is accurately implemented, the Gaza Strip needs approximately 20 years for reconstruction.

Recommendations:

The international community, mainly the United Nations, should act immediately in order to lift the siege imposed on the Gaza Strip and allow entry of construction materials and other goods. This should be seen as a legal obligation for the international community, particularly the State Parties to the Four Geneva Conventions. Allowing the siege to continue and not translating international commitments to reconstruction of the Gaza Strip into tangible practical steps implies complicity on behalf of the international community to the siege.

The international community, mainly the United Nations, should apply the necessary pressures on Israel and reconsider the international mechanism for allowing entry of construction materials into Gaza Strip (Serry Plan). It should also consider the strict conditions implemented by Israel on allowing the entry of such materials and speed up the slow bureaucratic procedures of the international mechanism used to distribute coupons on affected persons to get cement only.

Unless this mechanism is accurately implemented, the Gaza Strip needs 20 years to be rebuilt. Otherwise, how long will reconstruction take if this mechanism is slowly implemented, or not implemented at all?